

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend claims 16 – 17.
2. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-32 stand rejected under 35 USC 103(a) on new grounds: as being unpatentable over U.S. Patent 6,671,512 to Laakso in view of U.S. Patent 7,085,580 to Eibling et al. All prior art rejections are respectfully traversed.

Independent claims 1, 16, and 26 all include a limitation that requires and act or element of making of a determination, at the transceiver node, of at least one power control parameter for a connection based on a current total transmitter power of the transceiver node, requiring that

the power control parameter [serve] to modify the transmitter power change request while providing a power increase for the connection in a manner to provide smooth transitional behavior as the current total transmitter power of the transceiver node approaches a maximum total transmitter power value

The final office action correctly observes that U.S. Patent 6,671,512 to Laakso does not meet this limitation, and accordingly has downgraded Laakso to a §103(a) reference. *See, e.g.,* second full paragraph of page 3 of the final office action. The office action attempts to remedy the deficiency of U.S. Patent 6,671,512 to Laakso by a combination with U.S. Patent 7,085,580 to Eibling et al., citing particularly col. 10, lines 34 of 66 of Eibling et al.

The cited portion of Eibling in fact pertains to actions of master controller 402. The Eibling master controller 402 determines and forwards a total power signal (averaged power level of a signal set over a plurality of measurement intervals) to every master controllers that control channel elements that correspond to signals in the signal set. The power level determination by Eibling's master controller 402 is performed over a number of measurement intervals in order to balance accuracy and smooth variation of power level.

However, the power level determined by Eibling's master controller 402 is obviously an overall power level that is sent commonly to several elements in the radio transmission scheme. See, e.g., col. 10, lines 42 – 44. As such, Eibling makes no teaching or contribution as how to provide a power increase for an individual connection in a manner to provide smooth transitional behavior as the current total transmitter power of the transceiver node approaches a maximum total transmitter power value. At most, Eibling would suggest to Laakso ways of better refining Laakso's assessment of the Laakso total downlink power level. Nothing is taught or suggested in either reference for provide smooth transitional behavior for an individual connection.

In view of the foregoing and other factors, Applicants submit that the combination is defective and that the rejection should be withdrawn.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100